

July 30, 2019

***VIA ELECTRONIC MAIL***

Federal Communications Commission

445 12th Street SW,

Washington, DC 20554

**Re: RHC Telecommunications Program - FCC Form 462 - Denial Notice - HCP# 67345  
Soldotna/Kenai Peninsula (Consortium Lead) - FY 2019**

To whom it may concern:

Soldotna/Kenai Peninsula (Consortium Lead) hereby appeals the Rural Health Care Division's (RHCD) denial of funding notice issued May 31, 2019 (attached). This appeal is filed in a timely manner, on the 60<sup>th</sup> day from the notice of denial.

**About Hope Community Resources**

| HCP # | HCP Name                                      | HCP Location   |
|-------|---|--|
| 67345 | Soldotna/Kenai Peninsula<br>(Consortium Lead) | 47202 Princeton Avenue, Soldotna, AK 99669             |
| 16959 | Soldotna/Kenai Peninsula                      | 47202 Princeton Avenue, Soldotna, AK 99669             |
| 16957 | Barrow/North Slope Region                     | 5452 North Star Street, Utqiagvik, AK 99723            |
| 16882 | Kodiak Aleutian Region                        | 917 Mill Bay Road, Kodiak, AK 99615                    |
| 67148 | Dillingham/Bristol Bay Region                 | 2301 Sockeye Circle, Dillingham AK 99576               |
| 66737 | Hope Community Resources                      | 540 W. International Airport Road, Anchorage, AK 99518 |
| 67341 | Hope Discovery Center                         | 650 W. International Airport Road, Anchorage, AK 99518 |
| 16960 | Mat-Su Region                                 | 4901 East Mayflower Lane, Wasilla, AK 99654            |

Soldotna/Kenai Peninsula (Consortium Lead) is part of Hope Community Resources ("HCR"), a non-profit organization providing community supports to individuals and families who experience intellectual and developmental disabilities, traumatic brain injury and mental health challenges. HCR provide services through regional offices located in Anchorage, the Mat-Su Valley, Dillingham, Kodiak, Seward, Barrow, and the Kenai Peninsula. In addition, HCR serves

the outlying areas and numerous rural communities within each region. The people who choose HCR range in age from infancy to the elderly, are of diverse ethnic background, and experience a range of disabilities. Each person is individual and unique in the supports they need and request.

Nancy Stuart Johnson came to Alaska with a pioneering spirit. She headed north from Florida with her husband, Don, and their four children in 1967. Nancy moved to Circle, Alaska in October, just weeks before the Tanana and the Chena Rivers flooded. A newcomer and barely settled in her own home, Nancy did not let that keep her from helping in the community during the disaster. Day care centers were set up around town to take care of children whose parents were busy fighting the flood. But Nancy recognized that some of the children needed extra care. Nancy worked with children with developmental disabilities in Florida, but only as a volunteer. That was enough. Her interest was piqued and she acted. Nancy went to the Department of Health and offered her services. Unwittingly, she tapped a serious need in the community. Nancy's single act of selflessness, the fostering of one child who experienced a developmental disability, led to the birth of Hope Community Resources.

A year after the floods, Nancy's family moved to Anchorage. Here, they began caring for fourteen foster children, all of whom experienced a disability. In order to continue caring for so many children, the state informed Nancy that she would have to apply for an institutional license.

On October 28, 1968, Nancy formally named her new organization Hope Cottage. Since then, the agency has undergone immense growth and numerous changes. In this new millennium HCR continues to grow as the State of Alaska works towards eliminating the wait list for services.

HCR is growing and in April of 2019 was looking to fill more than 50 job openings at its offices around the state, including Anchorage, Mat-Su, Kodiak and Dillingham. Reliable and quality broadband connectivity from HCR sites to Anchorage (where medical specialists and Internet points of presence are located) is costly. HCR relies heavily on these connections to provide remote access to specialty care and to access its health information systems.

### **Background for Funding Request**

A diligent step by step process was followed in an attempt to meet all deadlines. However, the administrative process prohibited HCR from filing online. Online filing was not an option so paper applications were submitted via E-mail and United States Postal Service Certified Mail. The E-mail requests were denied and we have not seen a response to the requests made via Certified Mail.

Timeline of Events (includes all activity):

- April 1, 2019: Filed 460 to register ineligible urban sites, RHC HCF Program - FCC Form 460 - Confirmation of Receipt - HCP# 66737 and 16960.
- April 9, 2019: RHC HCF Program - FCC Form 460 - Confirmation of Registration - HCP# 66737.
- April 10<sup>th</sup>, 2019: PQA issued to old contact: CASE ID: RHC-2018-11-Case-364.
- April 11, 2019: RHC HCF Program - FCC Form 460 - Confirmation of Registration - HCP# 16960.
- April 15<sup>th</sup> 2019: Confirmation that the Dillingham / Bristol Bay Region HCP (67148) performs Psychosocial Mental Health and Behavioral Health Services.
- April 17<sup>th</sup>, 2019: Re: Consortia Application – HCF, we attempted to resolve LOE expectations, per RHC-Assist: Thanks for reaching out to us, it was a pleasure speaking with you today. We spoke about the necessity of an LOE when the sites of a consortium are owned and operated by the same entity. As no sample LOE document was available on the website, I recommended to use the LOA as a template but to be sure to include all needed requirements.
- April 17<sup>th</sup> 2019: HCR site addresses confirmed and Form 460 filed for RHC HCF Program - FCC Form 460 - Confirmation of Receipt - HCP# 67148, 16882, 16959.
- April 18<sup>th</sup> 2019: RHC HCF Program - FCC Form 460 - Confirmation of Receipt - HCP# 16957.
- April 19<sup>th</sup> 2019: RHC HCF Program - FCC Form 460 - Eligibility Confirmation - HCP# 16959 and 16882.
- April 22<sup>nd</sup> 2019: PQA information returned to USAC.
- April 30<sup>th</sup> 2019: A reminder was received for an information request made on April 22<sup>nd</sup> of 2019 for 67148. However, the original request was never located.
- May 2<sup>nd</sup> 2019: Filed 460 to register ineligible urban sites, RHC HCF Program - FCC Form 460 - Confirmation of Receipt - HCP# 67341.
- May 2<sup>nd</sup> 2019: RHC HCF Program - FCC Form 460 - Eligibility Confirmation - HCP# 67148, and 16957.
- May 2<sup>nd</sup> 2019: 460 filed to create consortia of approved Health Care Providers, RHC HCF Program - FCC Form 460 - Confirmation of Receipt - HCP# 67345.
- May 2<sup>nd</sup> 2019: RHC Telecommunications Program - FCC Form 465 - Confirmation of Receipt, Review Pending - HCP # 67148, 16882, 16959, an 16957.
- May 2<sup>nd</sup> 2019: FCC Form 465 - Confirmation of Posting - HCP # 16882, 16959, an 16957. Note: 67148 was the only applicant that did not post. A procurement document was posted and shared with bidders that could potentially respond. The Invitation to Bid is located at [http://adsadsi.com/itb22/ITB\\_2019-20\\_HCR.pdf](http://adsadsi.com/itb22/ITB_2019-20_HCR.pdf) and addresses both Telecommunication Program and Healthcare Connect Fund requests.
- May 2<sup>nd</sup> 2019: RHC HCF Program - FCC Form 461 - Confirmation of Receipt - HCP# 16882, 67148, 16959, and 16957.

- May 7<sup>th</sup> 2019: RHC HCF Program - FCC Form 461 - Form Approval - HCP# 16882, 16882, 67148, 16959, and 16957.
- May 8<sup>th</sup> 2019: RHC HCF Program - FCC Form 460 - Eligibility Confirmation - HCP# 67345
- May 9<sup>th</sup> 2019: Resubmitted LOA/LOE information, RHC HCF Program - Letter of Exemption (LOE) - Confirmation of Receipt - LOE ID: 568451. Information was originally submitted on April 17<sup>th</sup> of 2019.
- May 10<sup>th</sup> 2019: RHC HCF Program - LOE Determination LOE ID: 568451.
- May 10<sup>th</sup> 2019: RHC HCF Program - FCC Form 461 - Confirmation of Receipt - HCP# 67345.
- May 14<sup>th</sup> 2019: RE: Info Request- Telecom FCC Form 465 67148 Hope Community Resources.
- May 14<sup>th</sup> 2019: RHC HCF Program - FCC Form 461 - Form Approval - HCP# 67345.
- May 20<sup>th</sup> 2019: RHC Telecommunications Program - FCC Form 465 - Confirmation of Posting - HCP # 67148 – 18 days after submitting.
- May 30<sup>th</sup> 2019: RHC Telecommunications Program - FCC Form 466 - Confirmation of Receipt - HCP # 16959 and 16882 for existing services.
- May 31<sup>st</sup> 2019: RHC HCF Program - FCC Form 462 - Confirmation of Receipt - HCP# 67345 for Network Equipment. Note the Form 462 for Internet Service should have been filed online at this point.
- May 31<sup>st</sup> 2019: RHC Telecommunications Program - FCC Form 466 - Confirmation of Receipt - HCP # 16959, 16957, and 16882. Note the Form 466 for 67148 should have been filed online at this point.
- May 31<sup>st</sup> 2019: Paper Form 462 filed vial E-mail and via US Postal Service for 67345. E-mail received saying paper forms could not be accepted. As of this writing, no response received from requests submitted via US Postal Service.
- May 31<sup>st</sup> 2019: Paper Form 466 filed vial E-mail and via US Postal Service for 67148. E-mail received saying paper forms could not be accepted. As of this writing, no response received from requests submitted via US Postal Service.

### **Waiver for Paper Submission**

The RHC Division of USAC is engaging a third party to review its business process. This situation is a prime example of a potential process fix that may also help justify the request for waiver.

Please note in working with the Schools and Libraries Division of USAC it is easy to request a Billed Entity number and takes very little time to have one assigned. In the Rural Health Care division the process can be quite lengthy as demonstrated in the timeline above. HCR is working to provide a valuable service in the Alaskan Community and the filing window deadline should not be a barrier for program participation when the process is burdened with administrative delays.

Eligibility reviews could be easily satisfied once the application is submitted. The normal review process could/should validate eligibility, regardless of pre-application considerations. For instance, sometimes a license will expire or not be renewed.

Administrative process review took up to 15 days in the Healthcare Connect Fund and the Form 465 for 67148 took 18 days to review. Valuable time was lost due to the process. Note that 67148 was already approved to participate in the Healthcare Connect Fund when the 465 was filed. If approved in one program, approval in the other program should be automatic.

The Invitation to Bid was published for 28 days at [http://adsadsi.com/itb22/ITB\\_2019-20\\_HCR.pdf](http://adsadsi.com/itb22/ITB_2019-20_HCR.pdf). A copy of the procurement documents were sent to bidders that could potentially respond.

Relief was granted to Healthcare Connect Fund Applicants that needed additional time due to unusual circumstances. HCR faces unusual circumstances and files this waiver request to allow the paper applications to be accepted and reviewed for funding consideration.

#### **Hope Community Resources Complies with Federal Rules**

ADS Advanced Data Services, Inc. works to support Universal Service Fund (USF) beneficiaries for a flat fee (not a percentage of reimbursement). The goal of serving the community in which our clients reside is of the utmost importance. Our clients utilize our online tools to manage the bid process, assuring that a fair and competitive bid process that selects the most cost effective solution (cost is always the most important factor). When evaluating cost, the low cost option is divided by the option being evaluated. So a true and objective percentage of cost is represented in the evaluation. We utilize the more stringent School and Library Division "E-rate" evaluation rules.

In conclusion, we ask the FCC to recognize the application as timely filed and process it accordingly with the other applications that were received on a timely basis. Thank you in advance for your prompt consideration of this request.

Sincerely,

/s/

Dan Kettwich

ADS Advanced Data Systems, Inc. on behalf of Hope Community Resources

Attachments:

-Denial Email from USAC with Form Submission and Certified US Postal Service Receipts





**Rural Health Care (RHC) Universal Service  
Healthcare Connect Fund  
Funding Request Form**

Read instructions thoroughly before completing this form. Failure to comply may cause delayed or denied funding.

|  |  |
|--|--|
| <b>Block 1: General Information</b>  |  |
| 1 Funding Year <u>2019</u>   | 2 Funding Request Number (FRN):  |
| 3 HCP Number: <u>673415</u>  | 4 Site Name/Consortium Name: <u>HCR HCP 16959</u>  |
| <b>Block 2: Competitive Bidding Information</b>  |  |
| 5 FCC Form 461 Application Number: <u>100034888</u>  |  |
| 6 Allowable Contract Selection Date (ACSD): <u>6/12/2019</u>   |  |
| 7 Number of vendors who bid: <u>1</u>  |  |
| 8 Request for competitive bidding exemption (Only complete if claiming a competitive bidding exemption).                     |  |
| <input type="checkbox"/> Annual Undiscounted Cost of \$10,000 or less  |  |
| <input type="checkbox"/> Government Master Services Agreement  | Contract ID: Friendly Name:  |
| <input type="checkbox"/> Pre-Approved Master Services Agreement  | Contract ID: Friendly Name:  |
| <input type="checkbox"/> Evergreen Contract  | Contract ID: Friendly Name:  |
| <input type="checkbox"/> E-Rate Approved Contract  | Contract ID: Friendly Name:  |
| <b>Block 3: Vendor Information</b>   |  |
| 9 Service provider identification number (SPIN): <u>143001199</u>  |  |
| 10 Vendor name: <u>GCI COMMUNICATIONS CORP</u>   |  |
| <b>Block 4: Type of Funding Request</b>  |  |
| 11 <input type="checkbox"/> Individual HCP, single eligible expense  |  |
| <input type="checkbox"/> Individual HCP, multiple eligible expenses  |  |
| <input checked="" type="checkbox"/> Consortium Application   |  |
| <b>Block 5: Single Eligible Expense Request for Funding</b>  |  |
| 12 Category of Expense   | 13 Expense Type  |
| 14 Bandwidth   | 14a Is this service symmetrical? <input type="radio"/> Yes <input type="radio"/> No  |
| 15 Circuit ID (optional)   | If no, what is the upload bandwidth _____.   |
|  | What is the download bandwidth _____.  |
| 16 Percentage of expense eligible  |  |
| 17 Does the Service Type include both eligible and ineligible components? <input type="radio"/> Yes <input type="radio"/> No |  |
| If yes, percentage of usage eligible _____   |  |
| 18 Billing Account Number (BAN)  |  |
| 19 Contract ID   | 19a Date contract signed   |
| 19b Expected service start date  | 19c Length of initial contract term  |
| 19d Number of contract extensions  | 19e Length of optional extension(s) combined   |
| 20 Circuit start location  | 21 Circuit end location  |
| 22 Is this a multi-year funding request? <input type="radio"/> Yes <input type="radio"/> No                                  | Multi-year commitments cannot exceed 3 funding years and may not extend beyond the expiration date of an Evergreen Contract. |
| 23 Expense frequency   | 24 Quantity of expense periods   |
| 25 Undiscounted cost per expense period  | 26 Source of HCP contribution  |
| 27 One-time installation charges   |  |



|  |   |
|--|---|
| 28 This contract contains a Service Level Agreement. <span style="float: right;">O Yes   O No</span>   |   |
| If yes, provide the following information concerning the SLA in the contract:  | <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> a. Latency:<br/>c. Packet Loss: </div> <div style="width: 45%;"> b. Jitter:<br/>d. Reliability: </div> </div>  |
| <b>Block 6: Multiple Eligible Expenses and Consortium Requests for Funding (attach Network Cost Worksheet)</b>   |   |
| 29 Total undiscounted cost for eligible recurring expenses   |   |
| 30 Total undiscounted cost for eligible non-recurring expenses   |   |
| <b>Block 7: Additional Documentation</b>   |   |
| 31 List all supporting documentation (Competitive bids, Contract, etc.) that is required to be submitted with this form.   |   |
| Type of Documentation  |   |
| a.   | GGI PROPOSAL VIA EMAIL  |
| b.   | WORK SHEET VIA EMAIL  |
| c.   | OTHER DOCS AS NEEDED VIA EMAIL  |
| <b>Block 8: Request for Confidentiality</b>  |   |
| 32 Is applicant requesting confidential treatment and non-disclosure of commercial and financial information? (See instructions for specific information covered by this request.) <span style="float: right;">X Yes   O No</span> |   |
| <b>Block 9: Certifications</b>   |   |
| 33 <input checked="" type="checkbox"/>   | I certify that I am authorized to submit this request on behalf of the health care provider or consortium.  |
| 34 <input checked="" type="checkbox"/>   | I declare under penalty of perjury that I have examined this form and attachments and to the best of my knowledge, information, and belief, all information contained in this form and in any attachments is true and correct.  |
| 35 <input checked="" type="checkbox"/>   | I certify under penalty of perjury that the health care provider or consortium has considered all bids received and selected the most cost-effective method of providing the requested services. The "most cost-effective service" is defined as the "method that costs the least after consideration of the features, quality of transmission, reliability, and other factors that the health care provider deems relevant to choosing a method of providing the required health care services." 47 C.F.R. Sec. 54.642(c). |
| 36 <input checked="" type="checkbox"/>   | I certify under penalty of perjury that all Healthcare Connect Fund support will be used only for the eligible program purposes for which support is intended.  |
| 37 <input checked="" type="checkbox"/>   | I certify that the health care provider or consortium is not requesting support for the same service from both the Telecommunications Program and the Healthcare Connect Fund.  |
| 38 <input checked="" type="checkbox"/>   | I certify that the health care provider or consortium satisfies all of the requirements under Section 254 of the Telecommunications Act of 1996, as amended, and applicable Commission rules, and understand that any letter from the Administrator that erroneously commits funds for the benefit of the applicant may be subject to rescission.   |
| 39 <input checked="" type="checkbox"/>   | I certify that I have reviewed all applicable requirements for the program and will comply with those requirements.   |
| 40 <input checked="" type="checkbox"/>   | I understand that all documentation associated with this application, including all bids, contracts, scoring matrices, and other information associated with the competitive bidding process, and all billing records for services received, must be retained for a period of at least five years pursuant to 47 C.F.R. § 54.648, or as otherwise prescribed by the Commission's rules.   |
| 41 Signature   | 42 Date   |
|  | MAY 31 2019   |
| 43 Printed Name of Authorized Person DAN KETTWICH  |   |
| 44 Title/Position of Authorized Person RHC MANAGER   |   |
| 45 Phone 281 465 8888 Ext. 702   | 46 Email dkettwich@ASSOCI.com   |
| 47 Employer AAS  | 48 Employer's FCC RN 0015361231   |

Persons willfully making false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

**FCC NOTICE FOR INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT**  
Part 3 of the Commission's Rules authorize the FCC to request the information on this form. The purpose of the information



is to determine your eligibility for certification as a health care provider. The information will be used by the Universal Service Administrative Company and/or the staff of the Federal Communications Commission, to evaluate this form, to provide information for enforcement and rulemaking proceedings and to maintain a current inventory of applicants, health care providers, billed entities, and service providers. No authorization can be granted unless all information requested is provided. Failure to provide all requested information will delay the processing of the application or result in the application being returned without action. Information requested by this form will be available for public inspection. Your response is required to obtain the requested authorization.

The public reporting for this collection of information is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, AMD-PERF, Paperwork Reduction Act Project (3060-0804), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to [pra@fcc.gov](mailto:pra@fcc.gov). PLEASE DO NOT SEND YOUR RESPONSE TO THIS ADDRESS.

Remember - You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0804.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, PUBLIC LAW 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3) AND THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.

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**dkettwich@adsadsi.com**

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**From:** RHC-Assist <rhc-assist@usac.org>  
**Sent:** Friday, May 31, 2019 10:58 PM  
**To:** dkettwich@adsadsi.com  
**Subject:** RE: paper filed 462  
**Attachments:** 462 mail receipt.pdf; network\_cost\_worksheet\_HCRConsortia\_paper.xls; 462paper - HCR Consortia Internet.pdf

Hi Dan,

We are unable to accept Forms 462 outside of the My Portal system. In addition, we were not notified of any My Portal issues that would have prevented you from submitting the forms online, which would have allowed us time to resolve the issue before the filing window deadline. Therefore, we are unable to accept this Form 462.

Thank you,  
Nicole Taylor  
RHC-Assist Support Team  
Rural Health Care Program  
Universal Service Administrative Company  
[RHC-Assist@usac.org](mailto:RHC-Assist@usac.org)

On 5/31/2019 11:28 PM, [dkettwich@adsadsi.com](mailto:dkettwich@adsadsi.com) wrote:

Please note the attached and forward to the correct department.

Additional information may be sent via email.

Thanks, Dan

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Dan Kettwich, ADS Advanced Data Services, Inc.  
410 North Jefferson, STE 326, Mount Pleasant, TX 75455  
Mobile: 936.230.1111  
Direct: 281.465.8888  
Toll Free: 888.465.8820 x702  
[www.adsadsi.com](http://www.adsadsi.com)

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